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Attorney Docket No. 18084.01

Customer No. 37833

Confirmation No. 2624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **BETTY H. SMITH**

APPL. NO. : **10/663,750**

ART UNIT : **3765**

FILED : **SEPTEMBER 17, 2003**

EXAMINER : **HOEY, A. L.**

FOR : **UNISEX ACTIVE WEAR GARMENT WITH MODIFIED FLY-FLAP....**

MAIL STOP *AMENDMENT*
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In the Office action mailed April 6, 2007, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention as identified by the Examiner are as follows:

- a) Garment with a sewn on fly flap (Claim 12);
- b) Garment having a removable fly flap (Claims 13, 16 and 17).

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In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the embodiment defined by Claim 12. Claims 1-12, 14 and 15 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that she should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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DHT:RCL